

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
Western Division**

**CITY OF ROCKFORD and  
ACUMENT GLOBAL  
TECHNOLOGIES, INC.**  
*on behalf of themselves and  
all others similarly situated,*

Plaintiffs,

v.

**MALLINCKRODT ARD INC.,  
formerly known as QUESTCOR  
PHARMACEUTICALS, INC.;  
MALLINCKRODT PLC; EXPRESS SCRIPTS  
HOLDING COMPANY; EXPRESS SCRIPTS,  
INC.; CURAScript, INC., doing business as  
CURAScript, SD; ACCREDO HEALTH  
GROUP, INC.; and UNITED BIOSOURCE  
CORPORATION,**

Defendants.

**Civil Action No.: 3:17-cv-50107**

Honorable Frederick J. Kapala

Judge Presiding

Magistrate Judge Iain D. Johnston

**DEFENDANTS MALLINCKRODT ARD INC.'S AND MALLINCKRODT PLC'S  
MOTION TO DISMISS THE SECOND AMENDED CLASS ACTION COMPLAINT**

Defendants Mallinckrodt ARD Inc. and Mallinckrodt plc (collectively, "Mallinckrodt") by and through their undersigned counsel, move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for dismissal of City of Rockford and Acument Global Technologies, Inc. (collectively, "Plaintiffs")'s Second Amended Class Action Complaint (the "Complaint") in its entirety and with prejudice as to Mallinckrodt, including as to each of the following counts: Count II for Unjust Enrichment, Count III for Unjust Enrichment, Count IV for Common Law Fraud, Count V for Conspiracy to Defraud/Concerted Action, Count VI under 15 U.S.C. § 2, Count

VII under 15 U.S.C. § 1, Count VIII under State Antitrust Law, Count IX under 18 U.S.C. § 1962(c), Count X under 18 U.S.C. § 1962(a), Count XI under 18 U.S.C. § 1962(d). The grounds for this motion are set forth in the accompanying memorandum of law.

WHEREFORE, Mallinckrodt respectfully requests that the Complaint be dismissed in its entirety with prejudice as to Mallinckrodt, and that the Court grant any additional relief deemed just under the circumstances.

Dated: January 22, 2018.

/s/ Scott Collins Sullivan

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### CERTIFICATE OF LAWYER

The undersigned hereby certifies that on January 22, 2018, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2018, a true and correct copy of the foregoing Defendants Mallinckrodt ARD Inc.'s and Mallinckrodt PLC's Motion to Dismiss the Second Amended Class Action Complaint was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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